



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
April 27, 2017

MICHAEL J. HARKER, ESQ.
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

MARCOS ONTIVEROS TORRES,

Debtors.

Chapter 13 Proceedings
CASE NO: 16-14956-abl

Hearing Date: April 13, 2017
Hearing Time: 2:30 p.m.

ORDER VALUING COLLATERAL AND AVOIDING LIEN OF SECOND TRUST DEED

This matter having come regularly for hearing on Debtor's Motion to Value Collateral, and
"Strip Off" Second Lien Trust Deed as against Debtor's residential real property; good cause
appearing therefore,

/ / /

1 IT IS HEREBY ORDERED that the security interest of Franklin Credit Management
2 Corporation in the real property located commonly known as 5226 Kendall Ridge Court, Las Vegas,
3 NV 89141, legally described as: SH 215, PLAT BOOK 106 PAGE 69, LOT 18,
4 APN #176-36-719-018 shall be avoided under 11 U.S.C. Sec 506(d) and set aside and that the claim
5 of such creditor(s) in these bankruptcy proceedings shall be treated as unsecured.

6 IT IS FURTHER ORDERED that certain Deed of Trust recorded in the Office of Clark
7 County Recorder as document 200512290000598 on December 29, 2005 shall, conditioned upon
8 Debtor completing the above-referenced bankruptcy proceedings and obtaining a Chapter 13
9 Discharge, be removed and expunged from the County records and shall thereafter no longer
10 constitute a lien or encumbrance upon the aforesaid real property.

11 IT IS FURTHER ORDERED that this Order shall not be recorded with the Office of Clark
12 County Recorder until such time as the Debtor has received his Chapter 13 discharge in this matter.

13 IT IS FURTHER ORDERED that in the event the instant Chapter 13 matter is dismissed or
14 converted to a Chapter 7 the instant Order shall be vacated.

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1 IT IS FURTHER ORDERED that in the event the aforesaid property should be sold at a
2 foreclosure trustee sale, the lawful beneficiary of the aforesaid Deed of Trust shall be entitled to
3 receive any surplus proceeds in accordance with state law.

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5 Law Office of Michael J. Harker, Esq.

6 BY: /s/ Michael J. Harker
7 **MICHAEL J. HARKER, ESQ.,**
8 Nevada State Bar Number 5353
9 2901 El Camino Ave., Suite 200
10 Las Vegas, NV 89102
11 Attorney for Debtor
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1 LR 9021©:
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3 In accordance with Local Rule 9021, counsel submitting this document certifies that the order
4 accurately reflects the courts ruling and that (check one):

5 ☐ The Court has waived the requirements set forth in LR 9021(b)(1).

6 ☒ No party appeared at the hearing or filed an objection to the motion.

7 ☐ I have delivered a copy of this proposed order to all counsel who have appeared at the
8 hearing, and any unrepresented parties who appeared at the hearing, and each has approved or
disapproved the order, or failed to respond, as indicated below (list each party whether the
party has approved, disapproved, or failed to respond to the document):

9 Counsel appearing: NONE.

10 Unrepresented parties appearing: None

11 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with
12 the motion pursuant to LR 9014(g), and that no party has objected to the form or content of
13 the order.

14 Submitted By:

15 /s/ Michael J. Harker, Esq.
16 MICHAEL J. HARKER, ESQ.
17 Attorney for Debtor

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